

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DOUGLAS DENNIS, et al.,

Plaintiffs,

v.

ERYNGO HILLS APARTMENTS, et al.,

Defendants.

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1:22-CV-683-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Defendants Eryngo Hills and the Davis Companies’ Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 28); Defendants Hidden Creek Owner LLP’s and Hayden Glade’s Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 32); Defendants the Davis Companies’ Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 34); Plaintiffs’ Motion for Summary Judgment, (Dkt. 36); and all related briefing. (R. & R., Dkt. 44). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on June 6, 2023. (*Id.*). Plaintiff Jessica Dennis filed a response to the report and recommendation, expressing that she was unopposed to the report. (Dkt. 47).

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no

timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 44), is **ADOPTED**.

IT IS ORDERED that Defendants Eryngo Hills and the Davis Companies’ Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 28), is **GRANTED**.

IT IS ORDERED THAT Defendants Hidden Creek Owner LLP’s and Hayden Glade’s Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 32), is **GRANTED**.

IT IS ORDERED that Defendants the Davis Companies’ Rule 12(b)(4) and Rule 12(b)(5) Motion to Dismiss, (Dkt. 34), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs’ claims against Defendants Eryngo Hills, the Davis Companies, Hidden Creek Owner LLP and Hayden Glade are **DISMISSED** for lack of personal jurisdiction.

IT IS FINALLY ORDERED that Plaintiffs’ Motion for Summary Judgment, (Dkt. 36), is **DENIED**.

SIGNED on June 29, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE